

U.S. Patent Application No. 09/905,156
Supplemental Amendment After Final Rejection dated January 14, 2004
Reply to final Office Action dated March 24, 2003

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested. In the Advisory Action dated October 22, 2003, the Examiner did not enter any of the amendments set forth in the Amendment After Final filed September 24, 2003. The applicants have taken into account the Examiner's comments and are submitting revised amendments which the Examiner should consider acceptable in order to allow all claims.

The amendment to the specification and the claims is editorial in nature and further defines what the applicants regard as the invention. Claims 4-26 are pending in the application. Claims 4-23 and 26 have been allowed. Claims 1-3 and 27-36 have been canceled. The amendment does not raise any new questions of patentability, nor does it necessitate any need for further searching. The amendment places the application in an immediate condition for allowance based on the Examiner's indication of the allowed claims. No questions of new matter should raise and entry of this amendment is respectfully requested.

In the specification, at page 15, the paragraph starting at line 6 and ending at line 8 has been amended to correct a typographical error. More specifically, the term "diethanolamide" has been replaced with the term "diethanolamine." According to the applicants, one skilled in the art, by reading Example 4, at page 15, lines 4-8, would clearly understand that diethanolamide ester is the desired product and that one skilled in the art would understand that one of the starting materials must be diethanolamine to produce the desired diethanolamide ester in accordance with Example 4 of the present application. Thus, entry of the amendment to the specification is respectfully requested.

At page 2 of the Office Action, the Examiner, rejects claims 27-36 under 35 U.S.C. §112,

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first paragraph. The Examiner asserts that the subject matter set forth in these claims is not described in the present application. The Examiner believes that the support for the additional limitations that were added to claim 27 is not apparent and the claim should read y is 0 to 3. Finally, the Examiner asserts that the support for the sub-genera of hydroxyalkanoates recited in claims 28-36 is not apparent. For the following reasons, this rejection is respectfully traversed.

With respect to the issues of support for these claims, these claims are supported in the present application. However, due to their cancellation, this rejection is moot. The applicants most likely will pursue the subject matter in a subsequent continuation or a divisional application.

At page 3 of the Office Action, the Examiner rejects claim 24 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Marans et al. (U.S. Patent No. 4,132,839). The Examiner relies upon the same reasons as in the first Office Action. The Examiner does indicate that the method claims were not amended in the same manner as the limitations recited in claim 26. For the following reasons, this rejection is respectfully traversed.

Claim 24 now includes the language of claim 26. Accordingly, this rejection should be withdrawn.

At page 3 of the Office Action, the Examiner rejects claims 24 and 25 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Koleske et al. (U.S. Patent No. 4,223,119). The Examiner relies upon the same reasons as set forth in the first Office Action. The Examiner again states that the method claims were not amended to include the limitations recited in claim 26. For the following reasons, this rejection is respectfully traversed.

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Claim 24 is now dependent on claim 26. Claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

The Examiner then rejects claims 24 and 25 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over any Neuenschwander et al. (U.S. Patent No. 5,665,831). The Examiner relies upon the same reasons as in the first Office Action. Again, the Examiner indicates that if claims 24 and 25 also include the limitations recited in claim 26, this rejection would be withdrawn. For the following reasons, the rejection is respectfully traversed.

As indicated above, claim 24 is now dependent on claim 26 and recites the same language. Additionally, claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

At the bottom of page 3 and continuing on to page 4 of the Office Action, the Examiner rejects claims 24 and 25 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over Yamaguchi et al. (U.S. Patent No. 5,352,763). The Examiner relies upon the same arguments as in the first Office Action. The Examiner indicates that this rejection would be withdrawn if claims 24 and 25 would be placed in condition for allowance by incorporating the limitations of claim 26 into claims 24 and 25. For the following reasons, the rejection is respectfully traversed.

As indicated above, claim 24 is now dependent on claim 26 and recites the same language. Additionally, claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

At page 4 of the Office Action, the Examiner rejects claims 24 and 25 under 35 U.S.C. §102(b) or (e) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over WO 94/03510 or Kim et al. (U.S. Patent No. 6,372,876 B1). The Examiner relies upon the

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same reasons as in the first Office Action. Again, the Examiner indicates that claims 24 and 25 would be placed in condition for allowance if claims 24 and 25 include the same language recited in claim 26. For the following reasons, the rejection is respectfully traversed.

As indicated above, claim 24 is now dependent on claim 26 and recites the same language. Claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

At page 4 of the Office Action, the Examiner rejects claims 24 and 25 under 35 U.S.C. §102(b) or (e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over WO 98/55527 or Lee et al. (U.S. Patent No. 6,228,969 B1). The Examiner relies upon the same reasons as in the first Office Action. Again, the Examiner indicates that the rejection of claims 24 and 25 would be withdrawn if claims 24 and 25 included the limitations recited in claim 26. For the following reasons, the rejection is respectfully traversed.

As indicated above, claim 24 is now dependent on claim 26 and recites the same language. Claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

CONCLUSION

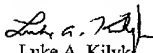
In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to

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said Deposit Account.

Respectfully submitted,


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